

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: DAVIDSON
APPLICATION No.: 10/713,544
FILED: NOVEMBER 14, 2003
FOR: EDIBLE FILM FOR RELIEF OF COUGH
AND PHARYNGITIS

EXAMINER: NABILA G. EBRAHIM
ART UNIT: 1618
CONF. No: 7965

AMENDED STATEMENT OF RELATED APPLICATIONS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Statement of Related Applications replaces the Statement filed April 29, 2008.

Applicant advises that:

Aspects of Application Nos. 10/402,273; 11/836,758; 10/921,770; 10/706,810; and 11/417,676 may be relevant to the examination of the present application.

Application No. 10/402,273 **[57778.8002.US00]** is pending (under a Non-Final Office Action) before Examiner Blessing M. Fubara in Art Unit 1618. Claims in 10/402,273 are currently rejected in a 2/8/2008 Non-Final Office Action as anticipated by Brown (WO 98/20861) and as anticipated by or obvious over Acharya

Certificate of Electronic Filing

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being electronically filed with the U.S. Patent and Trademark Office on the date entered below.

April 30, 2008
Date of Electronic Submission

/Amy Shields/
Amy Shields

(WO 00/59423). Claims are also currently rejected as obvious over Brown. Claims in 10/402,273 are also currently provisionally rejected on nonstatutory obviousness-type double patenting grounds over claims in Application Nos. 10/706,810; 11/371,167; and 11/836,758, as well as over claims in the present application. Claims in 10/402,273 are also currently rejected under 35 U.S.C. 112. Claims in 10/402,273 were previously rejected in an 11/27/2006 Final Office Action as obvious over Kizawa et al. (US 4,517,173) or over Konishi (US 5,196,202), and under 35 U.S.C. 112.. Claims in 10/402,273 were also previously rejected in a 3/16/2006 Non-Final Office Action as anticipated by or obvious over Kizawa or Konishi.

Application No. 11/836,758 [**57778.8002.US01**] is a Divisional of 10/402,273. 11/836,758 was filed August 9, 2007, is assigned to Examiner Blessing M. Fubara in Art Unit 1618, and is awaiting examination.

Application No. 10/921,770 [**57778.8003.US01**] shares a priority claim with the current application. 10/921,770 is pending before Examiner Snigdha Maewell in Art Unit 1615. Claims in 10/921,770 were last rejected in a 9/18/2007 Non-Final Office Action, which has been responded to, as obvious over Benes (WO 95/34286) in view of Pearce et al. (US 2004/0247649 A1) or vice versa, and also under 35 U.S.C. 112..

Application No. 10/706,810 [**57778.8004.US00**] shares a priority claim with the present application. 10/706,810 is pending (under a Final Office Action) before Examiner Jake Minh Vu in Art Unit 1618. Claims in 10/706,810 are currently rejected in a 4/14/2008 Final Office Action as anticipated by Brown et al. (WO 98/20863, also published as US 6,783,768), and as obvious over Brown in view of

Barkalow et al. (US 2004/0096569), and also under 35 U.S.C. 112. Claims in 10/706,810 were previously rejected in a 10/5/2007 Non-Final Office Action as anticipated by Barkalow and by Brown, and as obvious over Brown in view of Barkalow. The examiner further determined in the 10/5/2007 Office Action that the pending claims of 10/706,810 do not have benefit of an effective filing date of 11/14/2002, the filing date of provisional application 60/426,598.

Application No. 11/417,676 [**57778.8005.US02**] claims priority to the present application, as well as to the other cases listed herein and their earlier corresponding provisional applications. 11/417,676 was filed May 3, 2006, is assigned to Examiner Humera N. Sheikh in Art Unit 1615, and is awaiting examination.

The content of the Office Actions in the applications listed above is summarized here for the Examiner's convenience, and is of course not a complete description of each Office Action. All of the Office Actions are available for viewing on PAIR.

Effect of Statement of Related Applications

This Statement is not to be construed as a representation that: (i) a search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; (iv) the cited information is, or is considered to be, material to patentability; or (v) any of the cited rejections are proper. In addition, applicant does not admit that any enclosed item of information constitutes prior art to

the subject invention and specifically reserves the right to demonstrate that any such reference is not prior art.

Dated: April 30, 2008

Respectfully submitted,

Customer No. 34055
Perkins Coie LLP
Patent - LA
P.O. Box 1208
Seattle, WA 98111-1208
Phone: (310) 788-3231
Fax: (310) 788-3399

PERKINS COIE LLP

By: /Steven M. Giovannetti, Reg. No. 51,739/
Steven M. Giovannetti
Reg. No. 51,739